

109TH CONGRESS
2D SESSION

H. R. 5461

To authorize the Secretary of the Army to carry out water resources projects and activities for the coastal area of Louisiana, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2006

Mr. MELANCON (for himself, Mr. BAKER, Mr. McCRERY, Mr. ALEXANDER, Mr. BOUSTANY, Mr. JINDAL, and Mr. JEFFERSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize the Secretary of the Army to carry out water resources projects and activities for the coastal area of Louisiana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Meeting Authorization Requirements for the Coast Act
6 of 2006”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
 Sec. 102. General provisions.
 Sec. 103. Project modifications.
 Sec. 104. Project-related provisions.
 Sec. 105. Studies.

TITLE II—LOUISIANA COASTAL AREA

Sec. 201. Definitions.
 Sec. 202. Additional reports.
 Sec. 203. Coastal Louisiana Ecosystem Protection and Restoration Task Force.
 Sec. 204. Investigations.
 Sec. 205. Construction.
 Sec. 206. Non-Federal cost share.
 Sec. 207. Project justification.
 Sec. 208. Statutory construction.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
 3 retary of the Army.

4 **TITLE I—WATER RESOURCES**
 5 **PROJECTS**

6 **SEC. 101. PROJECT AUTHORIZATIONS.**

7 (a) PROJECT WITH CHIEF’S REPORT.—

8 (1) MORGANZA TO THE GULF OF MEXICO, LOU-
 9 ISIANA.—The Secretary is authorized to carry out
 10 the project for hurricane and storm damage reduc-
 11 tion, Morganza to the Gulf of Mexico, Louisiana:
 12 Reports of the Chief of Engineers, dated August 23,
 13 2002, and July 22, 2003, substantially in accord-
 14 ance with the plans, and subject to the conditions,
 15 described in such reports, at a total cost of
 16 \$788,000,000, with an estimated Federal cost of

1 \$512,200,000 and an estimated non-Federal cost of
2 \$275,800,000.

3 (2) CREDIT.—The Secretary shall credit toward
4 the non-Federal share of the cost of the project the
5 cost of design and construction work carried out by
6 the non-Federal interest before the date of the part-
7 nership agreement for the project if the Secretary
8 determines that the work is integral to the project.

9 (b) PROJECT AUTHORIZATION SUBJECT TO FINAL
10 REPORT.—

11 (1) DONALDSONVILLE, LOUISIANA, TO THE
12 GULF OF MEXICO.—The project for flood control,
13 Donaldsonville, Louisiana, to the Gulf of Mexico, is
14 authorized to be carried out by the Secretary sub-
15 stantially in accordance with the plans, and subject
16 to the conditions, recommended in a final report of
17 the Chief of Engineers if a favorable report of the
18 Chief is completed, at a total cost of \$510,300,000,
19 with an estimated Federal cost of \$331,700,000 and
20 an estimated non-Federal cost of \$178,600,000.

21 (2) SENSE OF CONGRESS.—It is the sense of
22 Congress that in considering possible alignments for
23 the project for flood control, Donaldsonville, Lou-
24 isiana, to the Gulf of Mexico, the Secretary should
25 take in account the preference of the West Jefferson

1 Levee District for an alignment that would provide
2 flood protection for all of the communities located in
3 the Lafitte, Barataria, and Crown Point areas with-
4 in Jefferson Parish.

5 **SEC. 102. GENERAL PROVISIONS.**

6 (a) SMALL FLOOD DAMAGE REDUCTION
7 PROJECTS.—Section 205 of the Flood Control Act of
8 1948 (33 U.S.C. 701s) is amended by striking
9 “\$7,000,000” and inserting “\$15,000,000”.

10 (b) BENEFICIAL USES OF DREDGED MATERIAL.—
11 Section 204 of the Water Resources Development Act of
12 1992 (33 U.S.C. 2326) is amended by striking subsections
13 (c) through (g) and inserting the following:

14 “(c) IN GENERAL.—The Secretary may carry out
15 projects to transport and place sediment obtained in con-
16 nection with the construction, operation, or maintenance
17 of an authorized water resources project at locations se-
18 lected by a non-Federal entity for use in the construction,
19 repair, or rehabilitation of projects determined by the Sec-
20 retary to be in the public interest and associated with flood
21 damage reduction, hurricane and storm damage reduction,
22 aquatic plant control, and environmental protection and
23 restoration.

24 “(d) COOPERATIVE AGREEMENT.—Any project un-
25 dertaken pursuant to this section shall be initiated only

1 after non-Federal interests have entered into an agree-
2 ment with the Secretary in which the non-Federal inter-
3 ests agree to pay the non-Federal share of the cost of con-
4 struction of the project and 100 percent of the cost of
5 operation, maintenance, replacement, and rehabilitation of
6 the project in accordance with section 103 of the Water
7 Resources Development Act of 1986 (33 U.S.C. 2213).

8 “(e) SPECIAL RULE.—Construction of a project
9 under subsection (a) may be carried out at Federal ex-
10 pense if—

11 “(1) the project is for one or more of the pur-
12 poses of protection, restoration, or creation of aquat-
13 ic and ecologically related habitat, will be carried out
14 at a cost which does not exceed \$750,000 and will
15 be located in a disadvantaged community as deter-
16 mined by the Secretary; or

17 “(2) the project will be located in a coastal
18 community impacted by a hurricane in 2005.

19 “(f) DETERMINATION OF CONSTRUCTION COSTS.—
20 Costs associated with construction of a project under this
21 section shall be limited solely to construction costs that
22 are in excess of those costs necessary to carry out the
23 dredging for construction, operation, or maintenance of
24 the authorized water resources project in the most cost-

1 effective way, consistent with economic, engineering, and
2 environmental criteria.

3 “(g) SELECTION OF SEDIMENT DISPOSAL METH-
4 OD.—In developing and carrying out a water resources
5 project involving the disposal of sediment, the Secretary
6 may select, with the consent of the non-Federal interest,
7 a disposal method that is not the least cost option if the
8 Secretary determines that the incremental costs of such
9 disposal method are reasonable in relation to the environ-
10 mental benefits, including the benefits to the aquatic envi-
11 ronment to be derived from the creation of wetlands and
12 control of shoreline erosion. The Federal share of such in-
13 cremental costs shall be determined in accordance with
14 subsections (d) and (f).

15 “(h) NONPROFIT ENTITIES.—Notwithstanding sec-
16 tion 221 of the Flood Control Act of 1970 (42 U.S.C.
17 1962d–5b), for any project carried out under this section,
18 a non-Federal interest may include a nonprofit entity, with
19 the consent of the affected local government.

20 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated \$30,000,000 annually for
22 projects under this section of which not more than
23 \$3,000,000 annually may be used for construction of
24 projects described in subsection (e). Such sums shall re-
25 main available until expended.

1 “(j) REGIONAL SEDIMENT MANAGEMENT PLAN-
2 NING.—In consultation with appropriate State and Fed-
3 eral agencies, the Secretary may develop, at Federal ex-
4 pense, plans for regional management of sediment ob-
5 tained in conjunction with the construction, operation, or
6 maintenance of water resources projects, including poten-
7 tial beneficial uses of sediment for construction, repair, or
8 rehabilitation of public projects for flood damage reduc-
9 tion, hurricane and storm damage reduction, aquatic plant
10 control, and environmental protection and restoration.

11 “(k) USE OF FUNDS.—

12 “(1) NON-FEDERAL INTEREST.—The non-Fed-
13 eral interest for a project described in this section
14 may use, and the Secretary shall accept, funds pro-
15 vided under any other Federal or State program, to
16 satisfy, in whole or in part, the non-Federal share
17 of the cost of such project if such funds are author-
18 ized to be used to carry out such project.

19 “(2) OTHER FEDERAL AGENCIES.—The non-
20 Federal share of the cost of construction of a project
21 under this section may be met through contributions
22 from a Federal agency made directly to the Sec-
23 retary, with the consent of the affected local govern-
24 ment, if such funds are authorized to be used to
25 carry out such project. Before initiating a project to

1 which this paragraph applies, the Secretary shall
2 enter into an agreement with a non-Federal interest
3 in which the non-Federal interest agrees to pay 100
4 percent of the cost of operation, maintenance, re-
5 placement, and rehabilitation of the project.”.

6 **SEC. 103. PROJECT MODIFICATIONS.**

7 (a) NEW ORLEANS TO VENICE, LOUISIANA.—The
8 project for hurricane protection, New Orleans to Venice,
9 Louisiana, authorized by section 203 of the Flood Control
10 Act of 1962 (76 Stat. 1184), is modified to authorize the
11 Secretary to carry out the work on the St. Jude to City
12 Price, Upper Reach A back levee. The Federal share of
13 the cost of such work shall be 70 percent.

14 (b) DEER ISLAND, HARRISON COUNTY, MIS-
15 SISSIPPI.—The project for ecosystem restoration, Deer Is-
16 land, Harrison County, Mississippi, being carried out
17 under section 204 of the Water Resources Development
18 Act of 1992 (33 U.S.C. 2326), is modified to authorize
19 the non-Federal interest to provide any portion of the non-
20 Federal share of the cost of the project in the form of
21 in-kind services and materials.

22 **SEC. 104. PROJECT-RELATED PROVISIONS.**

23 (a) LAROSE TO GOLDEN MEADOW, LOUISIANA.—

24 (1) REIMBURSEMENT.—The Secretary shall re-
25 imburse the non-Federal interest for 65 percent of

1 the cost of any planning, design, and construction
2 work performed by the non-Federal interest between
3 August 16, 1999, and the date of enactment of this
4 Act in converting the Golden Meadow floodgate,
5 Louisiana, into a navigational lock if the Secretary
6 determines that the work conforms to the Leon
7 Theriot Lock Evaluation Report as approved by the
8 Chief of Engineers.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to carry out
11 this subsection \$16,000,000. Such sums shall re-
12 main available until expended.

13 (b) NON-FEDERAL LEVEES IN TERREBONNE, ST.
14 CHARLES, LAFOURCHE, AND ST. MARY PARISHES, LOU-
15 ISIANA.—The Secretary shall carry out projects for the
16 restoration of damaged hurricane and flood control facili-
17 ties, including non-Federal facilities, in Terrebonne, St.
18 Charles, Lafourche, and St. Mary Parishes, Louisiana, to
19 pre-storm levels of protection at full Federal expense
20 under the emergency authority provided by Public Law
21 84–99 (33 U.S.C. 701n).

22 (c) LEVEES IN PLAQUEMINES PARISH, LOUISIANA.—

23 (1) INCORPORATION OF EAST BANK NON-FED-
24 ERAL LEVEE.—

1 (A) INCORPORATION INTO FEDERAL LEVEE
2 SYSTEM.—The Secretary is authorized to incor-
3 porate the non-Federal levee on the east bank
4 of the Mississippi River in Plaquemines Parish,
5 Louisiana, into the existing Federal levee sys-
6 tem.

7 (B) AUTHORIZATION OF APPROPRIA-
8 TIONS.—There is authorized to be appropriated
9 to carry out this paragraph \$94,000,000. Such
10 sums shall remain available until expended.

11 (2) LEVEL OF FLOOD PROTECTION.—The Sec-
12 retary is authorized to undertake such measures as
13 may be necessary to provide a 100-year level of flood
14 protection for Plaquemines Parish, Louisiana.

15 (d) FEASIBILITY STUDIES FOR CERTAIN LEVEE
16 PROJECTS, LOUISIANA.—In conducting feasibility studies
17 for each of the following projects for flood control, the Sec-
18 retary shall include, as part of the calculation of benefits
19 and costs, the benefits of the project to the region com-
20 monly referred to as West Jefferson Parish, Louisiana:

21 (1) Crown Point Basin, Crown Point, Lou-
22 isiana.

23 (2) Lower Barataria Basin, Barataria, Lou-
24 isiana.

1 (3) Lower Highway 45 Evacuation Route, La-
2 fitte, Louisiana.

3 (4) Upper Highway 45 Evacuation Route, Jean
4 Lafitte, Louisiana.

5 (5) Jones Point Basin, Crown Point, Louisiana.

6 (6) Lower Lafitte Basin, Lafitte, Louisiana.

7 (e) HARRISON, HANCOCK, AND JACKSON COUNTIES,
8 MISSISSIPPI.—In carrying out projects for the protection,
9 restoration, and creation of aquatic and ecologically re-
10 lated habitats located in Harrison, Hancock, and Jackson
11 Counties, Mississippi, under section 204 of the Water Re-
12 sources Development Act of 1992 (33 U.S.C. 2326), the
13 Secretary shall accept any portion of the non-Federal
14 share of the cost of the project in the form of in-kind serv-
15 ices and materials.

16 **SEC. 105. STUDIES.**

17 (a) COMPREHENSIVE STUDY FOR SOUTHWEST LOU-
18 ISIANA.—The Secretary shall conduct a study of the coast
19 of Louisiana in Cameron, Calcasieu, Vermillion, Iberia, St.
20 Martin, and St. Mary Parishes, with particular reference
21 to the advisability of providing hurricane protection and
22 storm damage reduction and related purposes. In con-
23 ducting the study, the Secretary shall assess the feasibility
24 of constructing an armored 12-foot levee along the Gulf
25 Intracoastal Waterway.

1 (b) MISSISSIPPI COASTAL AREA, MISSISSIPPI.—The
 2 Secretary shall conduct a study to determine the feasibility
 3 of making improvements or modifications to existing im-
 4 provements in the coastal area of Mississippi in the inter-
 5 est of hurricane and storm damage reduction, prevention
 6 of saltwater intrusion, preservation of fish and wildlife,
 7 prevention of erosion, and other related water resource
 8 purposes.

9 **TITLE II—LOUISIANA COASTAL** 10 **AREA**

11 **SEC. 201. DEFINITIONS.**

12 In this title, the following definitions apply:

13 (1) COASTAL LOUISIANA ECOSYSTEM.—The
 14 term “coastal Louisiana ecosystem” means the
 15 coastal area of Louisiana from the Sabine River on
 16 the west and the Pearl River on the east, including
 17 those parts of the Deltaic Plain and the Chenier
 18 Plain included within the study area of the Plan.

19 (2) GOVERNOR.—The term “Governor” means
 20 the Governor of the State of Louisiana.

21 (3) PLAN.—The term “Plan” means the report
 22 of the Chief of Engineers for ecosystem restoration
 23 for the Louisiana Coastal Area dated January 31,
 24 2005.

1 (4) TASK FORCE.—The term “Task Force”
2 means the Coastal Louisiana Ecosystem Protection
3 and Restoration Task Force established by section
4 203.

5 **SEC. 202. ADDITIONAL REPORTS.**

6 (a) MISSISSIPPI RIVER-GULF OUTLET.—

7 (1) REPORT.—Not later than 2 years after the
8 date of enactment of this Act, the Secretary shall
9 submit to Congress a report recommending modi-
10 fications to the Mississippi River-Gulf Outlet to ad-
11 dress navigation, salt water intrusion, channel bank
12 erosion, mitigation, and threats to life and property.
13 The report shall contain recommended strategies for
14 closing the Mississippi River-Gulf Outlet to naviga-
15 tion.

16 (2) DREDGING ACTIVITIES.—The Mississippi
17 River-Gulf Outlet element of the project for the Mis-
18 sissippi River, Baton Rouge to the Gulf of Mexico,
19 authorized by Public Law 84–455 (70 Stat. 65), is
20 modified to direct the Secretary to cease channel
21 dredging activities.

22 (b) CHENIER PLAIN.—Not later than July 1, 2007,
23 the Secretary shall submit to Congress a report recom-
24 mending near-term ecosystem restoration measures for the
25 Chenier Plain, Louisiana.

1 (c) LONG-TERM PLAN.—

2 (1) COMPREHENSIVE FRAMEWORK.—Not later
3 than one year after the date of enactment of this
4 section, the Secretary shall submit to Congress a
5 recommended framework for developing a long-term
6 program that provides for the comprehensive protec-
7 tion, conservation, and restoration of the wetlands,
8 estuaries (including Barataria-Terrebonne Estuary),
9 barrier islands, and related land and features that
10 protect critical resources, habitat, and infrastructure
11 in the coastal Louisiana ecosystem from the impacts
12 of coastal storms, hurricanes, erosion, and subsid-
13 ence.

14 (2) CONSIDERATION.—In developing the rec-
15 ommended framework, the Secretary shall consider
16 integrating other Federal or State projects or activi-
17 ties within the coastal Louisiana ecosystem into the
18 long-term restoration program.

19 (3) COMPREHENSIVE PLAN.—

20 (A) DEADLINE.—Not later than 5 years
21 after the date of enactment of this Act, the Sec-
22 retary shall submit to Congress a feasibility
23 study recommending a comprehensive, long-
24 term, plan for the protection, conservation, and
25 restoration of the coastal Louisiana ecosystem.

1 (B) INTEGRATION.—The comprehensive,
2 long-term, plan shall include recommendations
3 for the integration of ongoing Federal and
4 State projects, programs, and activities.

5 **SEC. 203. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
6 **AND RESTORATION TASK FORCE.**

7 (a) ESTABLISHMENT AND MEMBERSHIP.—There is
8 established the Coastal Louisiana Ecosystem Protection
9 and Restoration Task Force, which shall consist of the fol-
10 lowing members (or, in the case of the head of a Federal
11 agency, a designee at the level of Assistant Secretary or
12 an equivalent level):

13 (1) The Secretary.

14 (2) The Secretary of the Interior.

15 (3) The Secretary of Commerce.

16 (4) The Administrator of the Environmental
17 Protection Agency.

18 (5) The Secretary of Agriculture.

19 (6) The Secretary of Transportation.

20 (7) The Secretary of Energy.

21 (8) The Director of the Federal Emergency
22 Management Agency.

23 (9) The Commandant of the Coast Guard.

24 (10) The Coastal Advisor to the Governor.

1 (11) The Secretary of the Louisiana Depart-
2 ment of Natural Resources.

3 (12) A representative of the Louisiana Gov-
4 ernor's Advisory Commission on Coastal Restoration
5 and Conservation.

6 (b) DUTIES OF TASK FORCE.—The Task Force
7 shall—

8 (1) make recommendations to the Secretary re-
9 garding policies, strategies, plans, programs,
10 projects, and activities for addressing protection,
11 conservation, and restoration of the coastal Lou-
12 isiana ecosystem;

13 (2) prepare financial plans for each of the agen-
14 cies represented on the Task Force for funds pro-
15 posed for the protection, conservation, and restora-
16 tion of the coastal Louisiana ecosystem under au-
17 thorities of each agency, including—

18 (A) recommendations that identify funds
19 from current agency missions and budgets; and

20 (B) recommendations for coordinating in-
21 dividual agency budget requests; and

22 (3) submit to Congress a biennial report that
23 summarizes the activities of the Task Force and
24 progress towards the purposes set forth in section
25 202(c)(1).

1 (c) PROCEDURES AND ADVICE.—The Task Force
2 shall—

3 (1) implement procedures to facilitate public
4 participation with regard to Task Force activities,
5 including—

6 (A) providing advance notice of meetings;

7 (B) providing adequate opportunity for
8 public input and comment;

9 (C) maintaining appropriate records; and

10 (D) making a record of proceedings avail-
11 able for public inspection; and

12 (2) establish such working groups as are nec-
13 essary to assist the Task Force in carrying out its
14 duties.

15 (d) COMPENSATION.—Members of the Task Force or
16 any associated working group may not receive compensa-
17 tion for their services as members of the Task Force or
18 working group.

19 (e) TRAVEL EXPENSES.—Travel expenses incurred
20 by members of the Task Force, or members of an associ-
21 ated working group, in the performance of their service
22 on the Task Force or working group shall be paid by the
23 agency or entity that the member represents.

24 (f) APPLICATION OF FEDERAL ADVISORY COM-
25 MITTEE ACT.—The Task Force and any working group

1 established by the Task Force shall not be considered an
2 advisory committee under the Federal Advisory Com-
3 mittee Act (5 U.S.C. App.).

4 **SEC. 204. INVESTIGATIONS.**

5 (a) IN GENERAL.—The Secretary shall conduct feasi-
6 bility studies for future authorization and large-scale stud-
7 ies substantially in accordance with the Plan at a total
8 cost \$130,000,000.

9 (b) EXISTING FEDERALLY AUTHORIZED WATER RE-
10 SOURCES PROJECTS.—

11 (1) IN GENERAL.—The Secretary shall review
12 existing federally authorized water resources projects
13 in the coastal Louisiana ecosystem in order to deter-
14 mine their consistency with the purposes of this sec-
15 tion and whether the projects have the potential to
16 contribute to ecosystem restoration through revised
17 operations or modified project features.

18 (2) FUNDING.—There is authorized to be ap-
19 propriated \$10,000,000 to carry out this subsection.

20 **SEC. 205. CONSTRUCTION.**

21 (a) COASTAL LOUISIANA ECOSYSTEM PROGRAM.—

22 (1) IN GENERAL.—The Secretary shall carry
23 out a coastal Louisiana ecosystem program substan-
24 tially in accordance with the Plan, at a total cost of
25 \$50,000,000.

1 (2) OBJECTIVES.—The objectives of the pro-
2 gram shall be to—

3 (A) identify uncertainties about the phys-
4 ical, chemical, geological, biological, and cul-
5 tural baseline conditions in the coastal Lou-
6 isiana ecosystem;

7 (B) improve the State of knowledge of the
8 physical, chemical, geological, biological, and
9 cultural baseline conditions in the coastal Lou-
10 isiana ecosystem; and

11 (C) identify and develop technologies, mod-
12 els, and methods that could be useful in car-
13 rying out the purposes of this title.

14 (3) WORKING GROUPS.—The Secretary may es-
15 tablish such working groups as are necessary to as-
16 sist in carrying out this subsection.

17 (4) PROCEDURES AND ADVICE.—In carrying
18 out this subsection, the Secretary is authorized to
19 enter into contracts and cooperative agreements with
20 scientific and engineering experts in the restoration
21 of aquatic and marine ecosystems, including a con-
22 sortium of academic institutions in Louisiana and
23 Mississippi for coastal restoration and enhancement
24 through science and technology.

25 (b) DEMONSTRATION PROJECTS.—

1 (1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), the Secretary may carry out projects sub-
3 stantially in accordance with the Plan for the pur-
4 pose of resolving critical areas of scientific or tech-
5 nological uncertainty related to the implementation
6 of the comprehensive plan to be developed under sec-
7 tion 202(c)(3).

8 (2) MAXIMUM COST.—

9 (A) TOTAL COST.—The total cost for plan-
10 ning, design, and construction of all demonstra-
11 tion projects under this subsection shall not ex-
12 ceed \$100,000,000.

13 (B) INDIVIDUAL PROJECT.—The total cost
14 of an individual demonstration project under
15 this subsection shall not exceed \$25,000,000.

16 (c) INITIAL PROJECTS.—The Secretary is authorized
17 to carry out the following projects substantially in accord-
18 ance with the Plan:

19 (1) Mississippi River Gulf Outlet Environ-
20 mental Restoration at a total cost of \$105,300,000.

21 (2) Small Diversion at Hope Canal at a total
22 cost of \$68,600,000.

23 (3) Barataria Basin Barrier Shoreline Restora-
24 tion at a total cost of \$242,600,000.

1 (4) Small Bayou Lafourche Reintroduction at a
2 total cost of \$133,500,000.

3 (5) Medium Diversion at Myrtle Grove with
4 Dedicated Dredging at a total cost of \$278,300,000.

5 (d) BENEFICIAL USE OF DREDGED MATERIAL.—

6 (1) IN GENERAL.—The Secretary, substantially
7 in accordance with the Plan, shall implement in the
8 coastal Louisiana ecosystem a program for the bene-
9 ficial use of material dredged from federally main-
10 tained waterways at a total cost of \$130,000,000.

11 (2) SEDIMENT DELIVERY SYSTEM, WEST
12 POINTE A LA HACHE, PLAQUEMINES PARISH.—Of
13 the amounts appropriated pursuant to paragraph
14 (1), \$30,000,000 shall be used to provide financial
15 assistance to permit the Louisiana Department of
16 Natural Resources, in cooperation with Barataria-
17 Terrebonne National Estuary Program, the Center
18 for Bioenvironmental Research, and the
19 Plaquemines Parish government, to—

20 (A) determine the best plan and design for
21 a sediment delivery system in the region of
22 West Pointe a la Hache, Plaquemines Parish;
23 and

24 (B) construct a project based on such plan
25 and design.

1 **SEC. 206. NON-FEDERAL COST SHARE.**

2 (a) CREDIT.—The Secretary shall credit toward the
3 non-Federal share of the cost of a study authorized by
4 section 204 or a project authorized by section 205 the cost
5 of work carried out in the coastal Louisiana ecosystem by
6 the non-Federal interest before the date of the partnership
7 agreement for the study or project, as the case may be,
8 if the Secretary determines that the work is integral to
9 the study or project, as the case may be.

10 (b) TREATMENT OF CREDIT BETWEEN PROJECTS.—
11 Any credit provided under this section toward the non-
12 Federal share of the cost of a study authorized by section
13 204 or a project authorized by section 205 may be applied
14 toward the non-Federal share of the cost of any other
15 study authorized by section 204 or any other project au-
16 thorized by section 205, as the case may be.

17 (c) PERIODIC MONITORING.—

18 (1) IN GENERAL.—To ensure that the contribu-
19 tions of the non-Federal interest equal the non-Fed-
20 eral share of the cost of a study authorized by sec-
21 tion 204 or a project authorized by section 205, dur-
22 ing each 5-year period beginning after the date of
23 commencement of the first study under section 204
24 or construction of the first project under section
25 205, as the case may be, the Secretary shall—

1 (A) monitor the non-Federal provision for
2 each study authorized by section 204 or each
3 project authorized by section 205, as the case
4 may be, of cash, in-kind services and materials,
5 and land, easements, rights-of-way, relocations,
6 and disposal areas; and

7 (B) manage, to the extent practicable, the
8 requirement of the non-Federal interest to pro-
9 vide for each such project cash, in-kind services
10 and materials, and land, easements, rights-of-
11 way, relocations, and disposal areas.

12 (2) OTHER MONITORING.—The Secretary shall
13 conduct monitoring separately for the study phase,
14 construction phase, the preconstruction engineering
15 and design phase, and the planning phase for each
16 project authorized on or after date of enactment of
17 this Act for all or any portion of the coastal Lou-
18 isiana ecosystem.

19 (d) AUDITS.—Credit for land, easements, rights-of-
20 way, relocations, and disposal areas (including land value
21 and incidental costs) provided under this section, and the
22 cost of work provided under this section, shall be subject
23 to audit by the Secretary.

1 **SEC. 207. PROJECT JUSTIFICATION.**

2 (a) IN GENERAL.—Notwithstanding section 209 of
3 the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any
4 other provision of law, in carrying out any project or activ-
5 ity authorized by or under this title or any other provision
6 of law to protect, conserve, and restore the coastal Lou-
7 isiana ecosystem, the Secretary may determine that—

8 (1) the project or activity is justified by the en-
9 vironmental benefits derived by the coastal Lou-
10 isiana ecosystem; and

11 (2) no further economic justification for the
12 project or activity is required if the Secretary deter-
13 mines that the project or activity is cost effective.

14 (b) LIMITATION ON APPLICABILITY.—Subsection (a)
15 shall not apply to any separable element intended to
16 produce benefits that are predominantly unrelated to the
17 protection, conservation, and restoration of the coastal
18 Louisiana ecosystem.

19 **SEC. 208. STATUTORY CONSTRUCTION.**

20 (a) EXISTING AUTHORITY.—Except as otherwise pro-
21 vided in this title, nothing in this title affects any author-
22 ity in effect on the date of enactment of this Act, or any
23 requirement relating to the participation in protection,
24 conservation, and restoration projects and activities in the
25 coastal Louisiana ecosystem, including projects and activi-
26 ties referred to in subsection (a) of—

- 1 (1) the Department of the Army;
- 2 (2) the Department of the Interior;
- 3 (3) the Department of Commerce;
- 4 (4) the Environmental Protection Agency;
- 5 (5) the Department of Agriculture;
- 6 (6) the Department of Transportation;
- 7 (7) the Department of Energy;
- 8 (8) the Federal Emergency Management Agen-
- 9 cy;
- 10 (9) the Coast Guard; and
- 11 (10) the State of Louisiana.

12 (b) NEW AUTHORITY.—Nothing in this title confers
13 any new regulatory authority on any Federal or non-Fed-
14 eral entity that carries out any project or activity author-
15 ized by or under this title.

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